



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 28, 2003**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 28, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Pastor M. D. Harvey, St. John's College Heights Baptist Church

Mayor Wynn called the Council Meeting to order at 10:05 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

1. Approval of minutes from the meeting of August 14, 2003.
The minutes from the meeting of August 14, 2003 were approved.
2. Approve negotiation and execution of a contract with MOTOROLA, INC. Austin, TX, for the purchase of four transmission easements (0.061 acres, 2.63 acres, 3.244 acres and 1.88 acres), on the Motorola Oak Hill property on William Cannon Drive, in an amount not to exceed \$242,107 including closing costs. The easement is to be used for the relocation of an existing transmission line. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) (Recommended by the Electric Utility Commission.)
The motion authorizing the negotiation and execution of a contract was approved.
3. Approve execution of a construction contract with LAUGHLIN-THYSSEN LTD., Houston, TX, for construction of the Sand Hill Energy Center raw water intake system in an amount not to exceed \$2,355,000. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) 28.88% MBE and 5.03 % WBE subcontractor participation. (Recommended by the Electric Utility Commission.)
The motion authorizing the execution of a construction contract was approved.
4. Approve an ordinance amending Section 18-4-054(C) of the City Code, Utility Service Regulations, to amend the language limiting the City's liability as it applies to electric services, to except damages caused by the gross negligence or willful misconduct of the City. (Recommended by the Electric Utility Commission.)
Ordinance No. 030828-04 was approved.

5. Approve an ordinance authorizing the acceptance of grant funds from the Public Utility Commission of Texas in the amount of \$32,333 for the installation of reflective roof coatings, and amend Ordinance No. 020910-01, the 2002-2003 Amended Operating Budget of the Electric Utility Department Special Revenue fund, by increasing grant funding and grant expenditures by \$32,333. (Funding will be reimbursed by the Public Utility Commission of Texas. The grant will expire on December 31, 2003, unless extended by mutual agreement in writing by both parties.) (Recommended by the Electric Utility Commission and the Resource Management Commission.) **Ordinance No. 030828-05 was approved.**
 6. Approve the appointment of Dennis Waley to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc.
The motion authorizing the appointment of Dennis Waley was approved.
 7. Approve a resolution appointing Council Member Brewster McCracken, and reappointing Mayor Will Wynn and Mayor Pro Tem Jackie Goodman, Council Members Alvarez, Dunkerley, Slusher and Thomas to the Board of Directors of Reinvestment Zone Number Fifteen, City of Austin, Texas, a Tax Increment Financing Reinvestment Zone, and appointing Mayor Will Wynn as Board Chair.
Resolution No. 030828-7 was approved.
 8. Authorize Amendment Number One to the Interlocal Cooperation Agreement between TRAVIS COUNTY, Austin, TX and the City of Austin for services and improvements for the Austin Downtown Public Improvement District to allow additional one-year renewal terms.
The motion authorizing Amendment Number One to the Interlocal Cooperation Agreement was approved.
- Item 9 was pulled for discussion.**
10. Approve an ordinance amending Sections 25-2-840 and 25-5-4 of the City Code relating to Telecommunication Towers and Antennae. (Recommended by the Council Committee for Telecommunication Infrastructure, the Codes and Ordinances Committee, and the Planning Commission.)
This item was postponed indefinitely.
 11. Approve an ordinance authorizing the extension of the Letter of Credit and Reimbursement Agreement between the City of Austin and Landesbank Hessen-Thüringen Girozentrale relating to the \$50,000,000 Combined Utility Systems Taxable Commercial Paper Notes program, and the approval of all related documents. (The estimated \$165,000 Letter of Credit fee is included in the Fiscal Year 2003-2004 Proposed Operating Budget of the Electric Utility Department.)
Ordinance No. 030828-11 was approved.
 12. Approve a six-month extension of the Interlocal Agreement between Travis County and the City of Austin for pharmacy services and pharmaceuticals to be provided by the City to Travis County Medical Assistance Program enrollees and jail inmates from October 1, 2003, through March 31, 2004, with reimbursement by County in an amount not to exceed \$617,000. (Funding in the amount of \$617,000 is included in the Fiscal Year 2003-2004 Proposed Operating Budget of the Health and Human Services Department, Travis County-Reimbursed Fund. Funding is contingent upon available funding in the future budget.)
The motion authorizing a six-month extension of the Interlocal Agreement was approved.

13. Approve an Ordinance authorizing acceptance of \$347,999 in additional grant funds from the Texas Department of Health, Centers for Disease Control and Prevention project, Public Health Preparedness and Response for Bioterrorism grant program; and amending Ordinance No. 020910-01, the approved Fiscal Year 2002-2003 Operating Budget, Health and Human Services Special Revenue Fund by appropriating \$347,999 in additional grant funds for a total grant amount of \$1,325,999, and authorizing an additional eleven (11) full-time equivalent (FTE) positions. (Funds are available from the Texas Department of Health for the Public Health Preparedness and Response for Bioterrorism Grant Program. The Year 2 grant period is September 1, 2003 through August 30, 2004. No city match is required.)
Ordinance No. 030828-13 was approved.
14. Authorize the acceptance of a Domestic Preparedness Equipment Grant from the Office for Domestic Preparedness, U.S. Department of Homeland Security, projected at \$2,474,613 in equipment, to improve local and regional first response capabilities for terrorist incidents. (Funding for the equipment is available through the Office for Domestic Preparedness, U.S. Department of Homeland Security.)
The motion authorizing the acceptance of a Domestic Preparedness Equipment Grant was approved.
15. Approve the negotiation and execution of a twelve month contract with the AUSTIN TENANTS COUNCIL, Austin, TX, for the Fair Housing and Tenant Counseling Program for Fiscal Year 2003-2004 in an amount not to exceed \$267,750. (Funding is included in the Fiscal Year 2003-2004 Operating Budget of the Neighborhood Housing and Community Development Office and will come from Community Development Block Grant (CDBG) funds.)
The motion authorizing the negotiation and execution of a contract was approved.
16. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX for construction of a pavilion extension at the west end of Fiesta Gardens Facility, in the amount not to exceed \$139,990. (Funding is included in the Fiscal Year 2002 - 2003 operating budget of Austin Energy.) Lowest bid of 3 received. 4.81 % MBE and 1.79 % WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
17. Authorize execution of an Interlocal Agreement with the Capital Area Planning Council for compensation not to exceed \$340,697 for the City of Austin Police Department to map new addresses and otherwise maintain the GIS activities associated with the 9-1-1 emergency telephone system. (Funding is available from the Capital Area Planning Council for the period September 1, 2003 through August 31, 2004.)
The motion authorizing the execution of an Interlocal Agreement was approved.
18. Authorize application for and acceptance of \$263,100 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program, to fund equipment and services for the Austin Police Department. (Funding is available from the U. S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program, for the grant period October 1, 2003 to September 30, 2005. A required cash match of \$60,000 is included in the proposed Fiscal Year 2003-2004 Operating Budget for the Austin Police Department.)
The motion authorizing the application for and acceptance of grant funding was approved.

19. Authorize application for \$450,000 in grant funding from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, Enhancing Cultures of Integrity program to provide training and upgrade Internal Affairs Division Early Intervention System software and hardware. (Grant funding is available from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, Enhancing Cultures of Integrity program, for the grant period of October 1, 2003 through September 30, 2005. No cash match is required. Continued operation of this program is contingent upon available funding in future budgets.)
The motion authorizing the application for grant funding was approved.
20. Authorize an interlocal agreement between the City of Austin and the City of Rollingwood to provide joint law enforcement services at specified locations in Zilker Park and near Hill Country Middle School within the Austin city limits.
The motion authorizing an interlocal agreement was approved.
21. Authorize negotiation and execution of a professional services agreement with ALAN PLUMMER ASSOCIATES, INC., Austin, TX, for engineering design services for the South Lamar Boulevard / U.S. Hwy 290 Barrier Removal Project, in an amount not to exceed \$150,000. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation Planning & Sustainability Department.) Best of six qualified statements received. 8.6% MBE and 18.2% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
22. Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, TX, for planning services to implement and enhance the policies outlined in Austin's ADA Transition Plan and the existing Pedestrian Plan, in an amount not to exceed \$400,000. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) Best qualification statement of three received. 8.70% MBE and 19.00% WBE subcontractor participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
23. Authorize execution of a construction contract with GARVER CONSTRUCTION, LTD., Houston, TX, for Del Valle Service to Annexed Areas Water & Wastewater Improvements Area 1B Project, in the amount of \$4,221,318.12 plus a \$422,000 contingency, for a total contract amount not to exceed \$4,643,318.12. (Funding in the amount of \$4,643,318.12 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest bid of four received. 20.12% MBE and 9.69% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
24. Authorize execution of a construction contract with SCS FIELD SERVICES, Reston, VA, for the FM 812 Landfill Gas Collection System Project, in the amount of \$994,100 plus a \$41,945 contingency, for a total contract amount not to exceed \$1,036,045. (Funding in the amount of \$880,845 is available in the Fiscal Year 2002-2003 Capital Budget of the Solid Waste Services Department; \$155,200 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility.) Sole Bid. 9.70 % MBE and 5.30% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

25. Authorize execution of a construction contract with GUERRERO-MCDONALD & ASSOCIATES (MBE/FH 35.53%), for facility modifications and improvements at the Palmer Events Center, in an amount not to exceed \$786,482. (Funding is available in the Fiscal Year 2002-2003 Capital Budget of the Austin Convention Center Department.) Lowest bid of three received. 5.32% MBE and 8.62% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
26. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for repair of bridges throughout the city, as part of the 2003 Miscellaneous Bridge Maintenance Program, in an amount not to exceed \$591,854. (Funding is available in the Fiscal Year 2002-2003 Operating Budget of the Public Works Department; Transportation Fund.) Lowest bid of two received. 3.86% MBE and 1.18% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
27. Authorize execution of change order # 5 to the construction contract with BSI UTILITIES, Sugarland, TX, for the Oakmont Heights Water Transmission Main, in the amount of \$17,693, for a total contract amount not to exceed \$1,323,816.99. (Funding in the amount of \$17,693 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) 28.5% MBE and 11.51% WBE subcontractor participation to date.
The motion authorizing the execution of change order #5 to the construction contract was approved.
28. Authorize negotiation and execution of a contract with TRI-TECH ENERGY, Cumming, GA, for training and development of an operations and maintenance manual for the first combined cycle unit at the Sand Hill Energy Center in an amount not to exceed \$99,648. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) Best proposal of five proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved.
29. Approve a resolution to allocate Safe Routes to School matching funds for child safety improvements at Pleasant Hill Elementary, McBee Elementary, Davis Elementary, Zavala Elementary, Harris Elementary, Murchison Middle School, & T.A. Brown Elementary, in the amount of \$1,000,000. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) (Recommended by Urban Transportation Commission.)
Resolution No. 030828-29 was approved.
30. Approve an ordinance for the full purpose annexation of the Motorola Area (Approximately 139 acres in Travis County and Williamson County on the east side of Parmer Lane extending south from the intersection of Parmer Lane and Anderson Mill Road to the intersection of Parmer Lane and McNeil Drive, including Parmer Lane right-of-way). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)
Ordinance No. 030828-30 was approved.
31. Approve an ordinance for the full purpose annexation of the Lexington Parke Tract (Approximately 212 acres in Travis County north of Pearce Lane approximately three quarters of a mile east of the intersection of Pearce Lane and FM 973) and grant SF-4A interim designation in accordance with the preliminary plan subdivision filed on the tract. (Funding necessary to

provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)

Ordinance No. 030828-31 was approved.

32. Approve an ordinance to amend Section 16-4-14 of the City Code, Speed Limits, by adding portions of Curameng Cove, Garbacz Drive, and Marshitah's Way to the lists of streets having a maximum speed limit of 25 miles per hour. (Funding in the amount of \$300 is available in the 2002-2003 Amended Operating Budget of the Transportation, Planning & Sustainability Department for installation of appropriate speed limit signs.)

Ordinance No. 030828-32 was approved.

33. Board and Commission Appointments
The following appointments were made.

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Downtown Commission</u>		
Carl Huntley (Capital City Chamber of Commerce Rep.)	Consensus	Appointment
<u>Electrical Board</u>		
Randy Walden	Council Member Slusher's	Reappointment
<u>Planning Commission</u>		
Cynthia Medlin	Mayor Pro Tem Goodman's	Reappointment
David Sullivan	Council Member Slusher's	Reappointment
<u>Resource Management Commission</u>		
Michael Kuhn	Mayor Pro Tem Goodman's	Reappointment
<u>Solid Waste Advisory Commission</u>		
Mark Sanders	Council Member Slusher's	Reappointment
<u>Water and Wastewater Commission</u>		
Michael Warner	Council Member Slusher's	Reappointment
<u>Zoning and Platting Commission</u>		
Janis Pinnelli	Consensus	Reappointment

34. Approve a resolution waiving and reimbursing certain fees under Ordinance No. 020910-04, the 2002-2003 Fee Ordinance, for the Lance Armstrong Foundation's Run for the Roses to be held on October 25, 2003. (Council Member Betty Dunkerley, Council Member Daryl Slusher and Council Member Danny Thomas)
- Resolution No. 030828-34 was approved.**

35. Approve an ordinance waiving and authorizing payment of certain fees and requirements under Chapter 15-11 of the Code, and naming the City of Austin as a co-sponsor for the Fiesta de Independencia Foundation's Fiesta de Independencia del Grito Celebration to be held at Plaza Saltillo on September 15, 2003. (Council Member Raul Alvarez and Council Member Betty Dunkerley)
Ordinance No. 030828-35 was approved.
36. Approve a resolution authorizing payment of police costs associated with the Texas United Latino Artists' Fiesta Patrias Parade to be held on September 14, 2003 at 5:00 p.m. (Council Member Betty Dunkerley, Council Member Danny Thomas and Council Member Raul Alvarez)
Resolution No. 030828-36 was approved.
37. Approve a resolution authorizing reimbursement of certain Parks and Recreation Department fees, waiving certain staff costs for the Women in Jazz Workshop to be held on September 20, 2003, from 10:00 a.m. until 2:00 p.m. at the Dougharty Arts Center. (Council Member Danny Thomas and Council Member Betty Dunkerley)
Resolution No. 030828-37 was approved.

Item 38 was pulled for discussion.

39. Set a public hearing to approve the use of 0.149 acre (6,478 square feet) for a wastewater line, 0.080 acre (3,476 square feet) for a temporary working space, and 0.088 acre (3,826 square feet) for temporary staging and material storage site through dedicated parkland known as Quail Creek Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested date and time: September 25, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (All costs associated with the line, as well as any parkland restoration will be paid by the Water & Wastewater Utility through a previously approved CIP.) (Recommended by Parks & Recreation Board)
The public hearing was set for September 25, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
40. Set a public hearing for the full purpose annexation of the following areas: (A) Canyon Creek West Area (Approximately 132 acres located in Travis County east of FM 620 and approximately three-tenths of a mile north of the intersection of FM 620 and Boulder Lane) (B) Parkway Area (approximately 85 acres in Travis County north of Howard Lane, approximately two tenths of a mile east of the intersection of IH 35 and Howard Lane including Howard Lane right-of-way (ROW) from approximately two-tenths of a mile east of the intersection of IH 35 and Howard Lane to the intersection of Howard Lane and Spring Heath Road.) (C) Howard Lane at Dessau Road (approximately 290 acres in Travis County northwest of the intersection of Fish Lane and Dessau Road.) (D) Bull Creek Ranch Area (Approximately 12 acres in Travis County south of Old Lampasas Trail at the intersection of Old Lampasas Trail and Spicewood Springs Road including Old Lampasas Trail right-of-way (ROW) for approximately one quarter of a mile, and Spicewood Springs ROW for approximately 440 feet). (Suggested dates and times: October 2, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building, October 9, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
The public hearings were set for October 2, 2003 and October 9, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

41. Set a public hearing for the full purpose annexation of The Springfield Phase C Municipal Annexation Plan area (Approximately 56 acres located approximately 135 feet south of the intersection of Alum Rock Drive and Thaxton Road in southeast Travis County). (Suggested dates and times: October 2, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building; October 6, 2003 at 6:30 p.m., First Independent Baptist Church, 8401 Bluff Springs Road; and October 9, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
The public hearings were set for October 2, 2003 and October 9, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building, October 6, 2003 at 6:30 p.m., First Independent Baptist Church, 8401 Bluff Springs Road.
42. Set a public hearing for the full purpose annexation of the following annexation areas: (A) Sundberg Estates Area (Approximately 124 acres located in Travis County southwest of the intersection of U.S. Hwy. 183 South and Burleson Road); (B) FM 973 ROW Area (Approximately 22 acres) located in Travis County and includes approximately one and a half miles of FM 973 right-of-way (ROW) from approximately 758 feet north of the intersection of FM 973 and Timber Creek Drive south to the intersection of FM 973 and Burleson Road); (C) Tarlton Lane Area (Approximately 28 acres in Travis County at the end of Tarlton Lane); (D) AISD Tract (Approximately 10 acres in Travis County at the end of Sand Bar Drive, Crystalbrook West, and Inspiration Drive; (E) Pearce Lane Area (Approximately 257 acres in Travis County east of Ross Road and north and south of Pearce Lane including a portion of Pearce Lane right-of-way. (Suggested dates and times: October 23, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building; and October 30, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
The public hearings were set for October 23, 2003 and October 30, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
67. Approve an ordinance waiving or reimbursing certain development and capital recovery fees and waiving the requirement to provide structural water quality controls for development occurring at New Hope Missionary Baptist Church, 2405 East 16th Street. (Council Member Betty Dunkerley and Council Member Danny Thomas)
This item was postponed to October 2, 2003.

DISCUSSION ITEMS

9. Authorize a Memorandum of Understanding between the City of Austin and the Downtown Austin Alliance (DAA) for the development of a Retail Development Strategy for Downtown Austin, with the City cost participation of \$50,000. (Funding is available in the Fiscal Year 2002-2003 Amended Operating Budget for the Economic Growth & Redevelopment Services Office.) (Recommended by Downtown Commission)
The motion authorizing a Memorandum of Understanding was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.
38. Approve a resolution regarding clean energy strategies for Austin Energy. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Danny Thomas)
Resolution No. 030828-38 was approved on Council Member Thomas's motion, Council Member McCracken's second on a 7-0 vote.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION,

Mayor Wynn recessed the Council Meeting at 11:00 a.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned at 11:21 a.m. and the regular Council meeting was called back to order at 11:22 a.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:23 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

43. Discuss legal issues related to the City of Austin's request for Certificates of Convenience and Necessity to provide water and wastewater service before the Texas Commission on Environmental Quality, SOAH Docket No. 582-02-3056. (Related Item 50)

Item 44 was discussed later in Executive Session

45. Discuss legal issues related to Chapter 5-7 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Program.

Items 46-49 were discussed later in Executive Session

Executive Session ended at 12:02 p.m.

Mayor Wynn called the Council Meeting back to order at 12:04 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - City Budget

Jennifer L. Gale - Platform for Governor of Texas She was not present when her name was called.

Sylvia Herrera - Close Holly Power Plant, Clean East Austin - Healthy Communities

Ana Villalobos - Protect the Residents! Close the Holly Power Plant She was not present when her name was called.

Susana Almanza - Protect the Residents - Close the Holly Power Plant

Tim Mahoney - Alcohol Sales near Fulmore Middle School

Jon David Swann - Alcohol Sales at Fulmore Middle School Location

Ellen Ward - 300' Waiver on Alcoholic-Free Zone around schools

Ann del Llano - Public Safety

Marcos De Leon - East 4 - 5 Street Corridor He was not present when his name was called.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:26 p.m.

EXECUTIVE SESSION CONTINUED

44. Discuss legal issues related to the creation of and regulations applicable to proposed Winfield Municipality Utility Districts.

46. Discuss legal issues concerning legislation passed in the 78th Legislature or proposed in the current special session, including issues relating to grandfathering, hospital districts, annexation, water rights, taxation, employment law, land use and development law, signs, the jurisdiction of municipal courts, and the carrying of firearms on City premises by persons licensed to carry a concealed handgun.
47. Discuss legal issues related to *Texas Oil and Gas Association v. City of Austin, Texas*, Case Number 1-03-CV-570-SS, in the Federal District Court for the Western District of Texas, Austin, Division. (concerns the City's hazardous pipeline ordinance).
48. Discuss acquisition of an interest in real property for Greenway & Destination Parks (November 1998 Bond Election). (Related Item 51)
49. Discuss acquisition of an interest in real property for the Open Space Project (November 2000 Bond Election). (Related Item 52)

Executive Session ended at 1:46 p.m.

Mayor Wynn called the Council Meeting back to order at 1:47 p.m.

DISCUSSION ITEMS

51. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 330 acres in South East Austin using Greenway and Destination Park Bond Funds (November 1998). (Related Item 48)
Resolution No. 030828-51 was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Council Member Thomas was off the dais.
52. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring an interest in approximately 134 acres in Hays County, in Barton Springs Contributing Zone, through a Conservation Easement, using Open Space bond funds (November 2000). (Related Item 49)
Resolution No. 030828-52 was approved on Council Member Thomas' motion and Council Member McCracken's second on a 7-0 vote.
50. Approve a resolution authorizing the negotiation and execution of a settlement agreement the City's dispute with Hornsby Bend Utility company concerning the City's and Hornsby Bend Utility's request for certificates of convenience and necessity for water and wastewater service. (Related Item 43)
Resolution No. 030828-50 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 1:56 p.m.

Mayor Wynn called the Council Meeting back to order at 2:10 p.m.

55. Presentation on the September 2003 bond sale and the proposed Fiscal Year 2003-2004 Capital Budget.
The presentation was made by Bill Newman, Public Financial Management; City Manager Toby Futrell; Vickie Schubert, Finance Department; Rudy Garza, Budget Office.

53. Presentation of the Proposed Fiscal Year 2003-2004 Budgets of the Watershed Protection and Development Review Department, Economic Growth and Redevelopment Services Office, Neighborhood Planning and Zoning Department, the Transportation Fund of the Public Works Department, and Transportation, Planning and Sustainability Department.
The presentation was made by Assistant City Manager Lisa Gordon; Sue Edwards, Economic Growth and Redevelopment Services; Alice Glasco, Neighborhood Planning and Zoning; Joe Pantaloni, Watershed Protection; Austan Librach, Transportation, Planning and Sustainability; Peter Rieck, Public Works Transportation.
54. Presentation regarding the proposed 2004 City of Austin employee health insurance benefits.
The presentation was made by Vanessa Downey Little, Human Resources Department.
56. Presentation to highlight and address questions related to the proposed Fiscal Year 2003-2004.
The presentation was made by Acting Chief of Staff Michael McDonald and David Lurie, Health Department.

ZONING CONSENT ITEMS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher was off the dais.

57. C14-03-0043 - Craven Tract - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11004 F.M. 2222 (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on August 7, 2003. Vote: 6-0, Slusher - off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Melba Craven. Agent: Graves, Dougherty, Hearon and Moody (Michael J. Whellan). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030828-57 for community commercial-conditional overlay (GR-CO) was approved.
58. C14-03-0073 - Troutman Tract - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11112 F.M. 2222 (Bull Creek Watershed) from single family residence standard lot (SF-2) district to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on August 7, 2003. Vote: 6-0, Slusher off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Sylvia Cowan Troutman. Agent: Graves, Dougherty, Hearon and Moody (Michael J. Whellan). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030828-58 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

59. C14-03-0082 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8400 Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First reading on August 7, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: CalTex Holdings, Inc. (Carroll LaBorde). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030828-59 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.
60. C14-03-0056 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5510 South Congress Avenue (Williamson Creek Watershed) from family residence (SF-3) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading on July 31, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Michael G. Doss. Agent: Richard H. Crank, ASLA (Richard Crank). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030828-60 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
61. C14-02-0145a - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1000 Dalton Lane (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. First reading on July 31, 2003. Vote: 6-0, Thomas off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Isaac & Jane Rabb. Agent: Brown McCarrol, LLP (Nikelle Meade). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 030828-61 for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.

Item 62 was pulled for discussion.

ZONING CONSENT ITEMS CONTINUED

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

- Z-1 C14-03-0095 - Tolliver Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7705 Wynne Lane (South Boggy Creek Watershed) from mobile home residence (MH) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: David Tolliver. Agent: David Tolliver. City Staff: Sherri Gager, 974-3057.
Ordinance No. 030828-Z-1 was approved.

- Z-2** C14-03-0100 - Trinity Publications - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8416 North IH 35 Service Road Southbound (Little Walnut Creek Watershed) from community commercial (GR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Trinity Publications (Carl Galant). Agent: Simmons-Smith Consulting Group (Michael Simmon-Smith). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030828-Z-2 was approved.
- Z-3** C14-03-0072 - Home Depot Grandview Hills - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7900 R.R. 620 North (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Tomen Parke Associates (Robert Cohen). Agent: Drenner, Stewart, Metcalfe von Kreisler (Michelle Haussman). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030828-Z-3 was approved.
- Z-4** C14-03-0098 - Southwest Parkway II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Southwest Parkway at Terravista Drive (Barton Creek Watershed-Barton Springs Zone) from community commercial (GR) district zoning, general office (GO) district zoning and limited office (LO) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Hilltop Joint Venture. Agent: Urban Design Group (Laura Touns). City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance was approved.
- Z-5** C14-03-0067 - Freedom Auto Sales - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1401 West Koenig Lane (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To deny general commercial services-mixed use-conditional overlay (CS-MU-CO) district zoning. Applicant: Walter Leamons and Eugene Volcik. Agent: Lopez-Phelps and Associates (Amelia Phelps). City Staff: Glenn Rhoades, 974-2775.
This item was postponed to February 26, 2004 at the neighborhood's request.
- Z-6** C14-03-0105.SH - Cottage Community - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 Dessau Road (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on August 26, 2003. Applicant: Cottage Community Inc. Agent: Armbrust & Brown, LLP (Richard Suttle, Jr.) City Staff: Annick Beaudet, 974-2975.
This item was postponed to September 25, 2003 at the neighborhood's request.

- Z- 7** C14-02-0181 - Champion Tract, City Park Road West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 F.M. 2222 (Bull Creek and West Bull Creek Watersheds) from development reserve (DR) district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning with conditions. Applicant: Champion Assets Ltd. (Josie Ellen Champion). Agent: Graves, Dougherty, Hearon (Michael J. Whellan). City Staff: Glenn Rhoades, 974-2775.
This item was postponed to February 26, 2004 at the applicant's request.

Items Z-8 and Z-9 were pulled for discussion.

- Z- 10** C14-03-0066 - Wal-Mart - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as West Slaughter Lane at South IH-35 (Onion Creek Watershed) from rural residence (RR) district zoning; single family residence (SF-2) district zoning; limited industrial services-conditional overlay (LI-CO) combining district zoning; general commercial services-conditional overlay (CS-CO) combining district zoning; and general commercial services (CS) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on August 26, 2003. Applicants: Norman O. Euers (Melvin L. Euers); Melvin L. Euers; Cullen and Parmer Lane, LTD. (Silvestre Garza, Jr.); Slaughterway Retail, LTD. (David Roche); Austin Community Foundation of the Capitol Area (Richard Slaughter); McCullough Mechanical, Inc. (Charles Douglas McCullough); Monroe H. Euers; Norman O. Euers Life Estate (Monroe H. Euers). Agent: Armbrust & Brown, LLP. (Richard T. Suttle, Jr.). City Staff: Wendy Walsh, 974-7719.
This item was postponed to September 25, 2003 at the neighborhood's request.
- Z- 11** C14-03-0088 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1704 Fort View Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Oyster Investment Corp. Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.
This item was postponed to September 25, 2003 at the neighborhood's request.

DISCUSSION ITEMS

- 62.** C14-01-0166.002c - Holly Neighborhood Plan Rezoning (PART)- Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2235 East 6th Street (Tract 16) (Town Lake Watershed) from limited industrial services (LI) district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading May 8, 2003. Vote: 7-0. Second reading on June 12, 2003. Vote: 6-0, Garcia off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, and Sonya Lopez, 974-7694. Note: a valid petition has been filed by the property owner in opposition to this rezoning request. (Related Item Z-12)

Ordinance No. 030828-62 for Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District (CS-MU-CO) was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

- Z- 12 Consider an ordinance amending the Holly Neighborhood Plan future land use map for 2235 E. 6th St. (Tract 16). A plan amendment will be required only if necessitated by Council action in the related zoning case. (November 28, 2001 - The Planning Commission unanimously recommended the Holly Neighborhood Plan for adoption at City Council. March 26, 2003 - Postponed to April 9, 2003. April 9, 2003 - Hearing canceled. April 23, 2003 - Planning Commission recommended the neighborhood planning team option. Vote: 8-0 (CM-1st, DS-2nd), NS- on leave.) (Related Item 62)

No action was required.

- Z- 8 C14-02-0174 - Landing Strip - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 745 Bastrop Highway (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services (LI) district zoning for Tract 1 and commercial-liquor sales (CS-1) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant industrial park-conditional overlay (IP-CO) combining district zoning for Tracts 1 and 2. Applicant: Landing Strip (Theodorus Polaks). Agent: TCM Design and Building Group (Eddie Hurst). City Staff: Wendy Walsh, 974-7719.

Closing the public hearing and adopting first reading of the ordinance for the staff's recommendation was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

Mayor Wynn recessed the Council Meeting at 5:35 p.m.

LIVE MUSIC

Shelley King

PROCLAMATIONS

Distinguished Service Award - Sedora Jefferson - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - Brain Injury Awareness Week - to be presented by Mayor Will Wynn and to be accepted by Chip Howe

Proclamation - Prostate Health Month - to be presented by Mayor Will Wynn and to be accepted by Dr. Randy Fagin

Mayor Wynn called the Council Meeting back to order at 6: 17 p.m.

- Z- 9 C14H-03-0002 - HAMPTON ROAD CALCASIEU HOUSES - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3403 and 3407 Hampton Road (Waller Creek Watershed) from family residence (SF-3) district, to family residence (SF-3-II) historic combining district. Planning Commission recommendation: Forward without a recommendation. Historic Landmark Commission recommendation: To grant family residence (SF-3-II) historic combining district. Applicant: Historic Landmark Commission. Property Owner: Nick Cochrane. Agent: Chris Pezold. City

Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. (First reading only)

The public hearing was closed on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.

This item was postponed to September 25, 2003 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote. Staff was directed to meet with the neighbors and explain what can be built under the current zoning. The developer was asked to describe what he intends to build at this location.

PUBLIC HEARINGS AND POSSIBLE ACTION

63. Conduct a public hearing and adopt a resolution to approve the use of 3.134 acres for a wastewater line and 3.790 acres for a temporary construction working space use through dedicated parkland known as Greenway & Destination Parkland located along Little Walnut Creek in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (All costs associated with the line, as well as any parkland restoration will be paid by the Water & Wastewater Utility through a previously approved CIP.) (Recommended by Parks & Recreation Board.)

The hearing was closed and Resolution No. 030828-63 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

64. Conduct a public hearing and approve an ordinance repealing and replacing Article 4 of Chapter 25-12 of the City Code (Electrical Code) to adopt the 2002 National Electrical Code and local amendments, and repealing and replacing Article 18 of Chapter 2-4 of the Code relating to the Electric Board. (Recommended by Electrical Board.)

The hearing was closed and Ordinance No. 030828-64 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

65. Conduct a public hearing and approve an ordinance to amend Sections 25-1-132, 25-1-181, and 25-5-114 of the City Code relating to notice requirements and standing to appeal. (Recommended by Planning Commission.)

The hearing was closed and Ordinance No. 030828-65 was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

Budget Public Hearings

66. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2003-2004 proposed budget including the Economic Growth and Redevelopment Services Office, the Neighborhood Planning and Zoning Department, Public Works Department, Transportation, Planning and Sustainability Department, and the Watershed Protection and Development Review Department.

The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to adjourn the meeting at 8:43 p.m. was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The minutes for the meeting of August 28, 2003 were approved on this the 25th day of September, 2003 on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.